

H-8207

1 Amend House File 2434 as follows:

2 1. By striking everything after the enacting clause and
3 inserting:

4 <Section 1. NEW SECTION. 144F.1 Definitions.

5 As used in this chapter, unless the context otherwise
6 requires:

7 1. "*Aftercare assistance*" means any assistance provided
8 by a lay caregiver to a patient following discharge of the
9 patient that are tasks directly related to the patient's
10 condition at the time of discharge, do not require a licensed
11 professional, and are determined to be appropriate by the
12 patient's discharging physician or other licensed health care
13 professional.

14 2. "*Discharge*" means the exit or release of a patient from
15 inpatient care in a hospital to the residence of the patient.

16 3. "*Facility*" means a health care facility as defined in
17 section 135C.1, an elder group home as defined in section
18 231B.1, or an assisted living program as defined in section
19 231C.2.

20 4. "*Hospital*" means a licensed hospital as defined in
21 section 135B.1.

22 5. "*Lay caregiver*" means an individual, eighteen years of
23 age or older, who is designated as a lay caregiver under this
24 chapter by a patient or the patient's legal representative, and
25 who is willing and able to perform aftercare assistance for the
26 patient at the patient's residence following discharge.

27 6. "*Legal representative*" means, in order of priority,
28 an attorney in fact under a durable power of attorney for
29 health care pursuant to chapter 144B or, if no durable power
30 of attorney for health care has been executed pursuant to
31 chapter 144B or if the attorney in fact is unavailable, a legal
32 guardian appointed pursuant to chapter 633.

33 7. "*Patient*" means an individual who is receiving or who has
34 received inpatient medical care in a hospital.

35 8. "*Residence*" means the dwelling that a patient considers

1 to be the patient's home. "Residence" does not include any
2 rehabilitation facility, hospital, or facility.

3 Sec. 2. NEW SECTION. 144F.2 Discharge policies —
4 opportunity to designate lay caregiver.

5 1. a. A hospital shall adopt and maintain evidence-based
6 discharge policies and procedures. At a minimum, the policies
7 and procedures shall provide for an assessment of the patient's
8 ability for self-care after discharge and, as part of the
9 assessment, shall provide a patient, or if applicable the
10 patient's legal representative, with an opportunity to
11 designate one lay caregiver prior to discharge of the patient.

12 b. A legal representative who is an agent under a durable
13 power of attorney for health care pursuant to chapter 144B
14 shall be given the opportunity to designate a lay caregiver
15 in lieu of the patient's designation of a lay caregiver only
16 if, consistent with chapter 144B, in the judgment of the
17 attending physician, the patient is unable to make the health
18 care decision. A legal representative who is a guardian shall
19 be given the opportunity to designate a lay caregiver in lieu
20 of the patient's designation of a lay caregiver to the extent
21 consistent with the powers and duties granted the guardian
22 pursuant to section 633.635.

23 2. If a patient or the patient's legal representative
24 declines to designate a lay caregiver, the hospital shall
25 document the declination in the patient's medical record and
26 the hospital shall be deemed to be in compliance with this
27 section.

28 3. If a patient or the patient's legal representative
29 designates a lay caregiver, the hospital shall do all of the
30 following:

31 a. Record in the patient's medical record the designation of
32 the lay caregiver, in accordance with the hospital's policies
33 and procedures, which may include information such as the
34 relationship of the lay caregiver to the patient, and the name,
35 telephone number, and address of the lay caregiver.

1 *b.* (1) Request written consent from the patient or the
2 patient's legal representative to release medical information
3 to the lay caregiver in accordance with the hospital's
4 established procedures for releasing a patient's personal
5 health information and in compliance with all applicable state
6 and federal laws.

7 (2) If a patient or the patient's legal representative
8 declines to consent to the release of medical information to
9 the lay caregiver, the hospital is not required to provide
10 notice to the lay caregiver under section 144F.3 or to consult
11 with or provide information contained in the patient's
12 discharge plan to the lay caregiver under section 144F.4.

13 4. A patient or the patient's legal representative may
14 change the designation of a lay caregiver if the lay caregiver
15 becomes incapacitated.

16 5. The designation of an individual as a lay caregiver under
17 this section does not obligate the individual to perform any
18 aftercare assistance for the patient.

19 6. This section shall not be construed to require a patient
20 or the patient's legal representative to designate a lay
21 caregiver.

22 Sec. 3. NEW SECTION. **144F.3 Notification of lay caregiver**
23 **of discharge or transfer.**

24 If a lay caregiver is designated under section 144F.2, the
25 hospital shall, in accordance with the hospital's established
26 policies and procedures, attempt to notify the lay caregiver
27 of the discharge of the patient or transfer of the patient to
28 another hospital or facility as soon as practicable.

29 Sec. 4. NEW SECTION. **144F.4 Aftercare assistance**
30 **instructions to lay caregiver.**

31 1. If a lay caregiver is designated under section 144F.2, as
32 soon as practicable prior to discharge of a patient, a hospital
33 shall attempt to do all of the following:

34 *a.* Consult with the patient's lay caregiver to prepare the
35 lay caregiver for the aftercare assistance the lay caregiver

1 may provide.

2 *b.* Issue a discharge plan that describes the aftercare
3 assistance needs of the patient and offer to provide the lay
4 caregiver with instructions for the aftercare assistance tasks
5 described in the discharge plan and the opportunity for the lay
6 caregiver to ask questions regarding such tasks.

7 2. The inability of a hospital to consult with a patient's
8 lay caregiver shall not interfere with, delay, or otherwise
9 affect the medical care provided to the patient or the
10 patient's discharge.

11 Sec. 5. NEW SECTION. **144F.5 Hospital discharge process —**
12 **evidence-based practices.**

13 A hospital's discharge process may incorporate established
14 evidence-based practices, including but not limited to any of
15 the following:

16 1. The standards for accreditation adopted by the joint
17 commission on the accreditation of health care organizations
18 or any other nationally recognized hospital accreditation
19 organization.

20 2. The conditions of participation for hospitals adopted by
21 the centers for Medicare and Medicaid services of the United
22 States department of health and human services.

23 Sec. 6. NEW SECTION. **144F.6 Construction of chapter**
24 **relative to other health care directives.**

25 Nothing in this chapter shall be construed to interfere with
26 the authority or responsibilities of an agent operating under
27 a valid durable power of attorney for health care pursuant to
28 chapter 144B or of the powers and duties granted to a guardian
29 pursuant to section 633.635.

30 Sec. 7. NEW SECTION. **144F.7 Limitations.**

31 1. Nothing in this chapter shall be construed to create
32 a private right of action against a hospital, a hospital
33 employee, or any consultant or contractor with whom a hospital
34 has a contractual relationship, or to limit or otherwise
35 supersede or replace existing rights or remedies under any

1 other provision of law.

2 2. Nothing in this chapter shall delay the appropriate
3 discharge or transfer of a patient.

4 3. Nothing in this chapter shall be construed to interfere
5 with or supersede a health care provider's instructions
6 regarding a Medicare-certified home health agency or any other
7 post-acute care provider.

8 4. Nothing in this chapter shall be construed to grant
9 decision-making authority to a lay caregiver to determine the
10 type of provider or provider of the patient's post-hospital
11 care as specified in the patient's discharge plan.>

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